Discussion Paper

Discussion Paper with regards to:

The Barrier-free Requirements of the Nova Scotia Building Code Regulations

Issued by the

Nova Scotia Building Advisory Committee

This document is also available on our website, www.gov.ns.ca\snsmr\muns\code

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Nova Scotia Building Advisory Committee

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Purpose

This discussion paper is being issued by the Nova Scotia Building Advisory Committee to seek the opinion of the disabled community, building owners, design and construction industry stakeholders, and all interested Nova Scotians on barrier-free building design standards in the province. The committee members wish to learn from Nova Scotians their feelings respecting barrier-free access to buildings and to learn if there are additional barrier-free criteria that ought to be considered for inclusion in the Building Code. It wishes to hear comments on the ideas brought forward in the paper, and where identified, preferred options. The Committee is also interested in learning of any barrier-free issues beyond those covered in this paper.

Barrier-free requirements have formed part of the building code since it was first adopted since the early 1980s. In 1987, the National Building Code of Canada containing barrier-free requirements was first adopted by the Province. Nova Scotia adopted amendments to the National Building Code that reflect the province's particular needs, recognizing that the population of Nova Scotia includes a higher-than-average disabled population and a higher-than-average aged population.

Since their adoption in 1993, the Regulations have been amended twice to update references and numbering only. The existing regulations are available in a document entitled, **"The Nova Scotia Building Code Regulations"**. An electronic version is available at the Service Nova Scotia and Municipal Relations-building code web site: **<www.gov.ns.ca/snsmr/muns/code/>**.

Introduction

Since the implementation of the barrier-free design requirements of the Nova Scotia Building Code Regulations more than 10 years ago, issues have arisen or been identified within the disabled community, the design and construction sector, and among building owners that warrant fuller discussion. The intent of this paper is to identify the issues, provide some background on them, identify possible solutions and seek your opinions.

As noted in the Purpose section of the paper, you are invited to contribute new ideas for consideration by the Nova Scotia Building Advisory Committee [NSBAC].

You may find it helpful to refer to a paper issued by the Canadian Commission on Building and Fire Codes entitled, **"Canada's Construction System and the Context for Model Codes"**, which identifies the roles played by the building code in the larger context. It is available on the CCBFC website, **<www.ccbfc.org>**.

Background/History

The Building Code Act was first proclaimed in Nova Scotia in 1987. As a result, the first province-wide application of barrier-free requirements was introduced in Nova Scotia. While these requirements have been updated in 1993 and 1996, there has not been a full review of the requirements since they were initially introduced.

The Nova Scotia Building Advisory Committee [NSBAC] is made up of representatives of various provincial stakeholder organizations. It is appointed by the Minister responsible for the Building Code Act. Its mandate includes provision of advise to the Minister on issues related to the National Building Code as adopted and amended by the province.

The current members are:

Peter Greer
Chair, NS & PEI Regional Council of Carpenters, Millwrights and Allied Workers

Richard Lind
Vice Chair, Nova Scotia Home Builders Association

David Bateman
Nova Scotia Home Designers Association

Robert Cormier
Fire Marshal, Department of Environment and Labour

Heather Robertson Corrigan
Association of Interior Designers of Nova Scotia

Ralph Ferguson
Disabled Persons Commission

Robert McLaren
Nova Scotia Association of Architects

Gary Ruitenberg
Association of Professional Engineers of NS

Leo Rovers
Construction Association of Nova Scotia

Gerald Sampson
Union of Nova Scotia Municipalities

Ed Thornhill
Nova Scotia Building Officials Association

Paula Webber
National Assoc. of Women in Construction

Ozzie Wile
Atlantic Provinces Building Supply Dealers Assoc.

Methodology

In developing this paper, the Committee identified various issues that have been brought to their attention and researched potential solutions. In some instances these solutions have evolved to the level of proposed amendments and are presented in that form. In other instances we are still researching options and would appreciate your insight. In additional instances, the options are at a higher level, which depending on the direction, will require in-depth analysis prior to developing draft amendments.

Outcomes

The Nova Scotia Building Advisory Committee wants your thoughts on these issues, and the final result will depend on your responses.

This paper is laid out to show the current requirement, the proposed amendment, and a rationale for the change. Typically these are technical requirements, that are being revised to better fit with the balance of the existing Building code requirements. These changes do not reduce the commitment to barrier-free access, but simplify construction or provide better solutions to existing issues.

Minor technical amendments have been drafted as part of this process and are available as a separate paper entitled, **"Technical Amendments to the Barrier-free Requirements of the Nova Scotia Building Code Regulations"** or on the web site **<http://www.gov.ns.ca/snsmr/muns/code/>.**

Regulation changes are also identified as amendments. Readers are advised that while amendments may form a part of the discussion paper, they are proposals only, and it should not be assumed that the draft amendments will be formally adopted as they currently read, if at all.

The process for adoption of amendments follows a specific prescribed process required in law.

We expect that your responses will result in the following:

- Minor technical amendments to the regulations will be forwarded with recommendations from the committee to the Minister that they be formally adopted.
- Suggestions to expand the scope or application will be forwarded with recommendations from the Committee for further action.

  These recommended actions may be to

  - formulate an amendment to the code,
  - undertake additional specific consultations
  - take the form of a recommended practice, which would fall outside the requirements of the code, or
  - take no further action.
- The committee will advise respondents where suggestions fall beyond the jurisdiction of the regulations and the act.
- The committee will present a final report with recommended actions to the Minister and the public.

Current Requirements

The current Nova Scotia Building Code Regulations include barrier-free requirements based on the 1985 National Building Code. The 1992 **Report of the Disabled Persons Commission Building Code Sub-Committee** included draft regulations that were later adopted by the Province. This is the first full public review of barrier-free Building Code Regulations since 1992.

Issues

During discussions the Nova Scotia Building Advisory Committee sought advice from the Department of Justice and the Nova Scotia Human Rights Commission on two issues which had been of concern to the Committee.

1. Third party interventions

Third party interventions by persons alleging a failure by a municipality to administer or enforce the Act and/or Regulations was discussed by the committee. The committee found this matter to fall beyond the jurisdiction of the Building Code Act and Regulations and is adequately addressed under separate legislation, either the province's Human Rights Act or the federal Charter of Rights and Freedoms. As these types of matters are more appropriately addressed under other legislation, the Committee felt that this matter did not require further consultation.

2. Form of tenure

Similarly, the committee reviewed concerns that the regulations were inadequate in addressing the concept of tenure. This issue arose in a court challenge where the tenure form was argued to be a definition of building type or form.

In fact, it was found that the code does make reference to tenancy in appendix note A-1.1.3.2. in the National Building Code. It is the opinion of the committee that the matter is sufficiently addressed in the note and that this matter therefore did not require further consultation.

Proposed Changes, Issues and Options

The Nova Scotia Building Advisory Committee is seeking your opinion the following 15 specific topics and any additional suggestions or topics you feel the building code ought to address.

1. Percentage of units in multiple unit buildings required to be barrier-free

Should all multiple unit buildings containing dwellings provide a percentage that are designed to be barrier-free or at least built so as to be reasonably able to be converted to fully accessible units?

Should a percentage of dwelling units in multiple unit buildings be constructed as barrier-free or be easily converted to become barrier-free?

The current requirement for barrier-free suites in multiple unit buildings is that the buildings are to be accessible, the suites are to be accessible, and at least one bathroom door must be 760mm [30"]. However, the code is silent on barrier-free path of travel to the bathroom and exempts bathrooms in residential suites from meeting the barrier-free requirements.

The expectation is that in most multiple unit residential buildings the entrance level and the bathroom would be on one level. More recently Nova Scotia has seen multi unit residential buildings where units are two storeys, however most of the designs appear to include a toilet on the entrance level.

Some codes allow a variance on door widths depending on whether the approach to the door is head-on or not, and varies with the corridor width. It requires that a toilet be on the same level as the entrance.

The current regulations require partial compliance in all units. Barrier-free access is required into all suites and the bathroom door must provide barrier-free access to the bathroom when it is located on that same level.

OPTION 1:
Require a percentage of units in multiple suite buildings to be constructed so they may easily be converted to comply with all the barrier-free requirements of the code.

OPTION 2:
Require a percentage of units in multiple suite buildings to fully comply with all the barrier-free requirements of the code.

2. *Exemption of small existing premises from having to meet barrier-free requirements*

Should existing small premises, [assembly, business and personal and mercantile occupancies] or designated heritage or historic premises be exempt from the barrier-free requirements?

The Nova Scotia Building Advisory Committee has been requested to amend the Building code to allow exemptions of small existing premises from the barrier-free requirements.

In addition, several appeal hearings have been conducted because there is no exemption for small retail spaces from the barrier-free provisions, when existing premises are undergoing a change of use, and are required to meet full barrier-free compliance. Property owners undertaking redevelopment projects in downtown urban cores face significant costs to upgrade facilities to meet these requirements, limiting the re-use of existing premises. Currently, there are no exemptions based on size, or heritage designation.

OPTION 1:

Amend the scope to exempt existing premises that are less than a certain size. In this example, the suggested limiting building area is defined. The limiting area could range in size from 75m² [807 ft²] to 200m² [2153 ft²] depending on the occupancy type. There may be a need for some additional consideration to be given to the actual limiting area used. Additional research may find that the building area of the typically negatively impacted establishments may be larger or smaller than the suggested range. Also economic impact should be taken into consideration. A sample of this type of amendment could read as 3.8.1.2.(1)(b) below.

3.8.1.2. Application

original text
(1) The requirements of this section apply to all buildings, except

(a) houses, including semi-detached, duplexes, triplexes, townhouses, row houses, boarding houses, and rooming houses,

proposed text
(b) existing suites or buildings with a floor area not greater than xxx m² undergoing a change of occupancy type.

OPTION 2:
Allow a variance where it is shown there is undue financial hardship as is allowed under human rights legislation in Saskatchewan. It appears that some definition of financial hardship would have to be included, and a mechanism established to conduct a hearing to determine if the degree of hardship exists.

In Saskatchewan hearings respecting financial hardship are conducted under their human rights legislation.

OPTION 3:
Allow a variance where barrier-free access may not be fully met but the facility is improved from its former state or allow a variance where the barrier-free access to existing buildings is technically or practically unfeasible. How this would be decided, and by whom, is problematic. A reasonable level of allowed variances would have to be agreed upon.

OPTION 4:
When a building is designated as a "heritage building" or is within a designated "heritage conservation district", it could be fully or partially exempt from barrier-free provisions of the Building code.

Heritage buildings are designated under the Heritage Conservation Act by the provincial or a municipal government.
Heritage Conservation Districts may be created by municipal by-law and buildings within a district may be designated by either a municipality or the province.

3.8.1.2. Application

original text
proposed text

(1) The requirements of this section apply to all buildings, except

(a) houses, including semi-detached, duplexes, triplexes, townhouses, row houses, boarding houses, and rooming houses,...

(c) existing buildings designated as a Heritage Building or which are within a Heritage Conservation District...

3. Tourist facilities

Since 1993 the code has required five percent of tourist suites to be constructed as fully accessible barrier-free units. However, in recent years tourism officials have identified circumstances that were not contemplated in the regulations.

3.8.1.2. Application

original text

(1) The requirements of this section apply to all buildings, except.....

(2) In hotels, motels and tourist cabins, one sleeping unit conforming to Article 3.8.3.16. shall be provided for every twenty (20) sleeping units or part thereof.

(3) In hotels, motels, and tourist cabins at least one sleeping unit, other than those required in Sentence 3.8.1.2.(4), for every twenty (20) sleeping units or part thereof, shall be provided with a warning system which shall conform to Article 3.8.3.17.

(4) Every floor area from which more than one exit is required and to which a barrier-free path of travel is required to provide access, shall be served by one or more areas of refuge, as described in Article 3.8.3.18. so that they are accessible from two directions of travel.

Should small tourist facilities be exempt from the barrier-free requirements?

For example, tourism officials have seen a proliferation of dwelling units entering the tourist market as bed and breakfast operations, cottages, country homes, cottages or cabins, and similar facilities. Under the current regulations, these homes are exempt unless they make a ground floor addition, in which case the addition must provide barrier-free access. On the other hand, purpose-built facilities have been required to provide barrier-free access from their initial construction. This has led, in some instances, in attempts to avoid the requirements for barrier-free design by constructing the facility as a private dwelling and then subsequently seeking a tourism license.

Should dwelling units entering the tourist market as B&Bs, cottages, country homes, cottages or cabins be exempt from barrier-free requirements?

The current regulation requires a minimum 1 in 20 units comply with barrier-free requirements no matter how few units are being constructed, for all new tourist facilities being built. This means if an operator is building one unit it must meet the barrier-free requirements. Industry has responded positively, and the application has been reasonably successful.

However, there is a sense that the current requirements are unfairly applied to existing buildings which are being converted from private dwellings to tourism facilities such as to bed and breakfast operations, country inns, cottages, cabins and similar facilities. Small operators wishing to operate such facilities may be treated unfairly considering the current regulation clearly exempts rooming and boarding houses.

Should the barrier-free requirements apply to individual units held by one operator but in multiple locations?

A slightly different scenario has arisen where an operator has multiple units but each is on a separate lot. In this instance, the building permit cannot legally apply to all the units in the manner conceived in the regulation. If one followed the letter of the current requirement, each unit should be barrier-free, not the five percent originally envisaged.

An additional classification for these types of facilities could be developed to exempt them from the requirement to provide barrier-free access. Such a classification might read as follows:

3.8.1.2. Application

original text
proposed text

(1) The requirements of this section apply to all buildings, except.....

(2) In hotels, motels and tourist cabins, one sleeping unit conforming to Article 3.8.3.16. shall be provided for every twenty (20) sleeping units or part thereof **except where such a facility is a single dwelling unit located on its own lot.**

(3) In hotels, motels, and tourist cabins at least one sleeping unit, other than those required in Sentence 3.8.1.2.(4), for every twenty (20) sleeping units or part thereof, shall be provided with a warning system which shall conform to Article 3.8.3.17.

(4) Every floor area from which more than one exit is required and to which a barrier-free path of travel is required to provide access, shall be served by one or more areas of refuge, as described in Article 3.8.3.18. so that they are accessible from two directions of travel.

4. Building security for hearing-impaired occupants

The building code currently provides for security in multiple-unit buildings. Where entrances are equipped with security systems, both visual and audible signals are provided to indicate when the doorlock is released. However, the Code is silent on the provision of intercom systems typically provided for the convenience of the occupants. Provision of intercoms for monitoring access to a building is not currently addressed in the Building code.

It has been suggested that closed circuit television systems be required to assist the hearing impaired to identify visitors.

5. *Clarification of the Intent of the Occupancy Requirements*

3.8.2. Occupancy Requirements
3.8.2.1. Areas Requiring Barrier-Free Path of Travel

original text
proposed text

(1) A barrier-free path of travel shall be provided in the entrance storey,* each storey exceeding 600m² in area *and in each storey served by a passenger elevator or passenger elevating device from the entrance described in Article 3.8.1.3.

Does this requirement mean that an elevator must be installed in order to access other floors in a building?

The intent of this sentence has been the subject of lengthy deliberations by the Building Advisory Committee to the extent that an adjudicating panel, subsequent to conducting an appeal, asked that it be fully reviewed. The phrase,"each storey exceeding 600m² [6458 ft²] in area," has been interpreted to require the installation of an elevator or lift device in existing buildings undergoing a change of occupancy classification.

In new construction this is not typically an issue, but in renovation or change of occupancy classification of an existing building, this is a very contentious situation.

It has been argued and upheld by the advisory committee that the National Building Code was amended to include the phrase and therefore the intent is to require barrier-free access to all floors of buildings exceeding 600m².

In one case, a two-storey building was classified as a Group E - Mercantile Occupancy. The second floor was to be converted to a Group A - Assembly Occupancy, and barrier-free access to the second floor was required by the building official either by provision of an elevator or lift. The Committee upheld the decision of the building official.

The 1995 National Building Code requires an elevator for every floor area above or below the first storey in buildings, as one of several options, where buildings are not equipped with a sprinkler system throughout, and a barrier-free path of travel is required.

The committee must determine the intent, as to whether buildings are expected to provide an elevator or not. If the case is made that they are not required, then the sentence ought to revised to read as stated in the NBC:

3.8.2.1. Areas Requiring a Barrier-Free Path of Travel

(1) Except as permitted by Sentence (2), a barrier-free path of travel from the entrances required by Sentences 3.8.1.2.(1) and (2) to be barrier-free shall be provided throughout the entrance storey and within all other normally occupied floor areas served by a passenger elevator or other platform equipped passenger elevating device.

6. *Barrier-free access within floor areas with fixed seating*

The current regulation requires that 50 percent of the floor area with fixed seating be accessible.

3.8.2. Occupancy Requirements
3.8.2.1. Areas Requiring Barrier-Free Path of Travel

original text

(1) A barrier-free path of travel shall be provided.....
(L) to at least 50% of public floor spaces in assembly occupancies that consist of more than one tier or floor level containing fixed seating.

Should every public area be fully accessible or is it reasonable to provide access so long as the same level of amenity is achieved?

Phrase (1) has caused misunderstanding. Is the intent that 50 percent of the available seats have barrier-free access or 50 percent of the levels have barrier-free access? For example, in a restaurant the main floor area provides wheelchair accessible throughout and had more than 50 percent of the seats available. The restaurant has two raised platforms with fixed seating [booths]. It was determined that at least one of the two tiers had to provide barrier-free access in addition to the main floor area.

The 1995 National Building Code has provided some additional direction in the matter by additions to Sentence 2. see phrase 2) 1).

original text

2) A barrier-free path of travel for persons in wheelchairs is not required.....

1) within those parts of a floor area that are not at the same level as the entry level, provided amenities and uses provided on any raised or sunken level are accessible on the entry level by means of a barrier-free path of travel.

7. Signage for vehicle parking on private property

Signage on private property must conform to the Motor Vehicle Act traffic sign regulations, to be enforceable in the Province. Therefore it is proposed to adopt provisions which would reflect the Motor Vehicle Act requirements.

The current requirement states:

3.8.2.2. Vehicle Parking

original text

(d) be clearly marked as being for the use of disabled persons only, and.....

The National Building Code version states:

(4) be clearly marked as being for the use of persons with physical disabilities, and.....

(5) be identified by a sign located not less than 1500mm above ground level, with the international symbol of accessibility and the words "Permit Required" (Figure A 3.8.2.2.A.).

In any event, vehicle parking signage on private property should be consistent with the requirements of the Motor Vehicle Act traffic sign regulations, which state:

"ACCESSIBLE PARKING" signs shall have a white background with red circle circumscribing a black letter "P" with a red diagonal superimposed over the letter "P"; a white and blue handicapped person symbol and in black letters the words "ACCESSIBLE PARKING BY PERMIT ONLY". The signs may have one or two arrows pointing in the direction or directions in which parking is prohibited. The signs may show in black letters and numerals the length of time, the hours of day and days of the week during which a person is permitted to park in an "ACCESSIBLE PARKING" zone a vehicle on which is displayed anidentification issued pursuant to the regulations respecting identification permits for vehicles transporting handicapped persons.

8. Improved language

A general review of the language to delete insensitive descriptions or redundant references is to be made throughout the section.

In reviewing requirements, it was found that in some parts the language may be unintentionally insensitive to those with disabilities and oftentimes simply is not necessary. Some examples are offered but it is noted that in any future drafting, the same consideration should be made to assure that the language is universal.

3.8.3. Design Standards
3.8.3.1. Accessibility Signs

original text
~~deleted text~~

(1) Where a building is required to have ~~an entrance~~ a barrier-free entrance or an area of refuge or both ~~to accommodate disabled persons,~~ signs incorporating the international symbol of accessibility for disabled persons shall be installed where necessary to indicate the location of barrier-free entrances ~~that entrance~~ or the area of refuge or both.

(2) Where a teletypewriter [TTY] phone, washroom, elevator, parking area or other service is required by Section 3.8 ~~to accommodate disabled persons,~~ it shall be identified by a sign consisting of the international symbol of accessibility ~~for disabled persons~~ and such other graphic or written directions as are needed to indicate clearly the location and type of facility available.

(3) Where a washroom is not designed to ~~accommodate disabled persons~~ in conformance with Section 3.8, in a storey to which a barrier-free path of travel is required, signs shall be provided to indicate the location of barrier-free facilities.

(4) Doors and openings that lead from public places and through which the public is permitted to enter shall be identified by specific tactile signs with letter (a) not less than 60 mm high and raised 0.75 mm above the surface, and (b) located 1350 mm above the floor surface and beginning not more than 150 mm from the door or openings.

(5) Signs incorporating the international symbol of accessibility ~~for disabled persons~~ shall be installed where necessary to indicate the location of the accessible means of egress.

9. Multiple suites, doors and access to bathrooms

Where there is an intent to provide barrier-free access make the provision explicit.

Clause 3.8.2.1.(1) (a) requires a barrier-free path of travel "into each suite" in multiple unit buildings. Sentences 3.8.3.3. (1), (2), and (3) require each door in a barrier-free path of travel to be operable by one hand and have a clear width of be 800mm [32"] when open. An exception requires that residential suites in multiple unit buildings have at least one bathroom with a clear width of 760mm [30"] when open, and that doors in a barrier-free path of travel conforming to sentence (1) only must have "lever" door handles.

There appears to be some ambiguity between the requirement of 3.8.2.1.(a) and 3.8.3.3.(2) and (3). The most stringent interpretation of the requirement is that the barrier-free path of travel must extend in the residential suite to one washroom which must have a door at least 760mm [30"] clear width but only the entry door to the suite requires a lever handle.

The current interpretation has been that the barrier-free path of travel ends at the suite door. There is no requirement for a barrier-free path of travel within the suite or that the washroom be reached by a barrier-free path of travel.

Egress requirements require most hallways to be a minimum 860mm [34"] wide, although this can be reduced to 710mm [28"] where second exit requirements are met. The National Building Code describes standard wheelchair widths to be between 584mm and 685mm [23"-27"] overall and assumes that a wheelchair may be accommodated within the existing requirements.

10. Assistive listening devices

Add locations where assistive listening systems are mandatory

Following consultations with the Deafness Advocacy Association of Nova Scotia, the following amendments are recommended to add churches or places of worship with an area more than 100 m^2 and all courtrooms to those places requiring assistive listening devices.

The NSBAC understands that in many circumstances advances in technologies may make this requirement redundant where portable systems may be used.

3.8.3.7. Assistive Listening Devices

original text
proposed text

(1) Except as permitted in Sentence (2), in buildings of assembly occupancy, all classrooms, auditoria, meeting rooms,* churches or places of worship, *and theatres with an area of more than 100 m^2, and all courtrooms shall be equipped with an assistive listening system encompassing the entire seating area.

(2) Where the assistive listening system required in Sentence (1) is an induction loop system, only half the seating area in the room need be encompassed.

11. Showers in hospitals and care facilities

Provide some flexibility for design of showers in hospitals and nursing homes

Comments have been received from architects intimate with design requirements and design programs for hospitals that the preference is to provide barrier-free access showers in a central location rather than in individual patient rooms. Attendants are present to assist the infirm or disabled and hospital maintenance prefers that shower enclosures have lips to prevent water spilling onto surrounding floor areas, which also creates hazards. Consultation with designers suggests that the accepted practice is to create common assisted shower/bath areas for the disabled.

The current requirement states:

3.8.3.12. Showers

original text

(2) Individual shower stalls that are provided for use by residents and patients in buildings of Group B, Division 2 institutional occupancy shall conform to the requirements of Clauses (1)(a) to (i).

The proposed amendment reads:

proposed text

(2) If individual shower stalls are provided for use by residents and patients in buildings of Group B, Division 2 institutional occupancy the shower stalls provided shall conform to the requirements of Clauses (1)(a) to (i) except where

(a) common showers are provided in conformance with Clauses (1)(a) to (i), or

(b) common bath tubs equipped with hoist mechanisms to accommodate residents and patients are available.

12. TTY phones

Should the requirement be changed to be more explicit about where TTY phone service is required?

This section of the regulations is proposed to be amended. The relevant sections have been edited and rewritten in cooperation with MTT and the Deafness Advocacy Association of Nova Scotia. The proposed changes read:

3.8.3.14. Shelves or Counters for Telephones.....

~~deleted text~~

~~*(5) Where public telephones are provided in entrance foyers of buildings classified as Group A, Group B Division 1, hospitals in Group B Division 2, police stations in Group D, or Group E, or in lobbies of hotels and motels, at least one telephone shall be provided with a built-in telecommunication device for the deaf (TDD).*~~

proposed text

(5) At least one built-in teletypewriter telephone [TTY] shall be provided and located in a publicly accessible location where

[a] four or more public access telephones are provided, including interior and exterior locations, or

[b] the building area exceeds 600 m² in a Group A, Group B, Group D, Group E occupancy, or in a hotel or motel, or

[c] where a hotel or motel, is required by sentence 3.8.1.2.(2) to provide a barrier-free suite, or

[d] where a Tourist Cabin is required by sentence 3.8.1.2.(2) to provide barrier-free suites, at least one built-in teletypewriter telephone [TTY] must be located in public location, or a portable unit available for use.

(6) Where public telephones are provided, at least one electrical receptacle shall be provided within 0.5 m of one of the public telephones.

13. Broaden regulations to require visual warning signals in multiple unit residential occupancies

Should visual warning signs for the hearing impaired in multiple unit residential buildings be required?

Currently the requirement for visual warning signals [strobe lights interconnected to smoke and fire alarm systems] are limited to 1 in 20 units of tourist accommodations. In addition, the National Building Code requires visual warnings where there is some expectation that individuals will require them, for example, in a residential setting for the hearing impaired. The suggestion is that some means to accommodate visual warning signals be incorporated in multiple residential buildings.

The National Building Code states:

3.2.4.18. Alert and Alarm Signals.....

original text

(4) In a building or portion thereof intended for use primarily by persons with hearing impairment, visual signal devices shall be installed in addition to audible signal devices.

Should this be broadened in some way to address circumstances where the hearing impaired may occupy rental suites? Should a percentage of all residential suites and public areas of all residential buildings be required to be equipped with visual warning equipment?

Some suggest that this matter would be better addressed in the National Fire Code because occupants will change or fluctuate over time.

14. Areas of refuge

Should the current areas of refuge requirements be deleted or modified?

The concept of areas of refuge has existed for many years in the National Building Code to apply as an alternative to provisions for limiting smoke contamination in buildings.

The areas of refuge requirements of National Building Code were never explicitly intended to address safety of individuals with disabilities but rather are life safety measures for the purpose of protecting all individuals.

The requirements were incorporated into the Nova Scotia Building Code Regulation in 1993. The Regulation made provision for areas of refuge that far exceeded the requirements in National Building Code.

The provision of areas of refuge in the National Building Code were made as an alternative to meeting limits on smoke control. Only "High Buildings" which did not contain a full sprinkler system, were required to meet the provisions of areas of refuge under the National Building Code. In Nova Scotia, the requirement is made even when the building contains a full sprinkler system, has smoke controls, and irrespective of the height of the building.

In the 1995 edition of the National Building Code, these alternative measures, called areas of refuge, were no longer allowed and the requirements to minimize the accumulation of smoke to an acceptable level became mandatory in all buildings. The areas of refuge requirements of the regulations have become redundant as a result of more recent changes in the National Building Code and add unnecessary expense.

Both the building and fire code require that fire safety plans be in place for all large buildings. These plans require that sufficient measures be in place to assure that individuals with disabilities can be safely rescued.

OPTION 1:
Delete the Nova Scotia Building Code Regulation reference to areas of refuge and rely solely on those contained in the National Building Code of Canada.

OPTION 2:
Delete the current area of refuge requirements in the Nova Scotia Building Code Regulations and rely on the National Building Code requirements with amendments to require a sufficient number of barrier-free exits or areas of refuge to allow safe exiting of the premises.

OPTION 3:
Retain the Nova Scotia Building Code requirements for areas of refuge with amendments to delete their requirement in buildings containing a full sprinkler system.

OPTION 4:
Retain the current area of refuge requirements in the Nova Scotia Building Code Regulations with corrected references.

15. Adopt by reference the CSA technical standard or retain the National Building Code technical requirements.

Should the current technical standards of the Nova Scotia Building Code be deleted and the Canadian Standards Association CAN/CSA-B651-95 technical Standards be adopted or reverted to the National Building Code technical standards.

An additional option, on which the public may wish to comment, is the adoption of the Canadian Standards Association **CAN/CSA-B651-95 Barrier-free Design** technical standard rather than use the National Building Code barrier-free design requirements as the technical standard.

The Nova Scotia Building Code would continue to make requirements respecting the scope and application of the requirements but reference the Canadian Standards Association **CAN/CSA-B651-95 Barrier-free Design** technical standard rather than the National Building Code version.

The CSA standard is often used by the design profession as a guide. The standard contains many illustrations and provides user-friendly interpretation of the requirements.

The chief disadvantage seen by the NSBAC is that the standard is developed by a national committee of CSA outside the jurisdiction of the province. The CSA standard is not formally adopted elsewhere in Canada. Some sections of the standard may be beyond the current scope of the building code and would not apply.

Retention of the technical standards of the National Building Code would simplify use of the current code and remain within the influence of the province. In either case the application and scope of the requirements would be at the discretion of the province.

For example, a technical standard may describes the size of a door, the type of handle required, and how a door must be located to allow easy use by mobility impair persons. It does not tell a designer where such doors are required [the application of the requirement]. This is the prerogative of the Building Code Regulation. Nor does a technical standard describe when it should be applied. This is the scope. The provinces deem which buildings must provide barrier-free access.

16. Additional suggestions

Do you have any other suggestions that the Nova Scotia Building Advisory Committee should take into consideration respecting the barrier-free design requirements of the Nova Scotia Building Code Regulations? The committee welcomes any additional suggestions that you may have and invites you to respond on the questionnaire or by letter.

Next Steps

The Nova Scotia Building Advisory Committee will review all comments received in response to the discussion paper.

Submissions must be made in writing,
either using the questionnaire provided or by letter.

All comments should be addressed to:

Barrier-free Discussion
Nova Scotia Building Advisory Committee
PO Box 216
Halifax, NS
B3J 2M4

fax to: **1-(902)-424-0821**

e-mail to: **tross@gov.ns.ca**

or by using
the questionnaire at: **<www.gov.ns.ca\snsmr\muns\code>.**

A report, making recommendations for changes to the Nova Scotia Building Code Regulations, will result from the consultation and will provide the basis for future amendments to the Regulations. The committee intends to release the final report to the public.

The committee expects that many of the concerns addressed in the discussion paper will result in proposed amendments to the regulations.

Draft amendments to the Building Code Regulations will be circulated for public comment according to the procedures under the Building Code Act. It is anticipated that significant amendments will be included with the adoption of the National Building Code anticipated to occur in 2004. Minor revisions and errata may proceed as they are prepared over the next two years.

The Committee would appreciate receiving your views by October 31, 2002.

Questionnaire

Questionnaire on the Discussion Paper:

The Barrier-free Requirements of the Nova Scotia Building Code Regulations

Issued by the

Nova Scotia Building Advisory Committee

This document is also available on our website, www.gov.ns.ca\snsmr\muns\code

NOVA SCOTIA

Nova Scotia Building Advisory Committee

Discussion Paper Questionnaire
The Barrier-free Requirements
of the Nova Scotia Building Code Regulations

This questionnaire has been prepared to assist readers in providing response. While respondents are encouraged to use the questionnaire it is not intended in any way to limit your comments. Please feel free to comment in writing to:

Barrier-free Discussion Paper
Nova Scotia Building Advisory Committee
PO Box 216
Halifax NS
B3J 2M4

Fax to: **1-902-424-0821**

The questionnaire is laid out to ask questions about each topic covered in the discussion paper. The last question is a general opportunity to provide additional comment on Barrier-free requirements in the Nova Scotia Building Code Regulations.

It would assist the Committee to know who is responding to the discussion paper. If you wish, please complete form below which will assist in this task. If you are replying as an individual please indicate on the line below. If you represent a group or association please indicate if this is an official position taken by the group and the numbers of members the group represents.

Group or Company: _____

This group represents _____ ***members in Nova Scotia.***

mailing address: _____

_____

municipality: _____ ***postal code:*** _____

phone: _____

fax: _____

email: _____

Additional optional information which may assist the Committee is found on the next page.

INFORMATION REQUEST

Completion of this part is entirely optional. This information will be used to track the demographics of the responses received.

contact person: _____ ***title:*** _____

I have a particular interest in this topic because I am a code user:

- O architect
- O engineer
- O interior designer
- O designer
- O builder
- O home inspector
- O real estate agent
- O building manager
- O building official
- O fire official
- O other _____

I have a particular interest in this topic because I own, operate or administer a:

- O hotel/motel
- O tourist cabins/cottages
- O bed & breakfast/country inn
- O restaurant
- O lounge/bar
- O apartment building
- O office building
- O shopping mall
- O retail store
- O home for special care
- O nursing home
- O hospital
- O other _____

I have a particular interest in this topic because of a:

- O mobility impairment
- O agility impairment
- O visually impairment
- O hearing impairment
- O age
- O requirement for care in my home
- O other _____

I have a particular interest in this topic because:

- O I am a tenant
- O I am a home owner
- O other _____

I have a particular interest in this topic because:

- O I plan to build a home.
- O I plan to construct a public building or tourist facility
- O I plan to construct an apartment building.
- O I plan to add an addition, renovate or change the use of an existing building which will require a building permit.

I expect to carry out the above within the next

- O 12 months
- O 1 - 3 years
- O 3-5 years

The Committee would appreciate receiving your response before October 31, 2002.

Check one option

1. Percentage of apartments in multiple unit buildings be barrier-free

YES ○ ***NO*** ○

1. Should the code requirement be changed to require all multiple unit buildings containing dwellings provide a percentage that are designed to be barrier-free or at least built so as to be reasonably able to be converted to fully accessible units?

Circle one option

2. If you agree there should be a change to the current requirement of the code which option most closely satisfies your concern?

OPTION ❶

OPTION ❷

OPTION 1. partial compliance in all or a limited number of units

OPTION 2. full compliance in all or a limited number of units

If neither one of the options satisfy your concerns please explain what you would like to see in the code.

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if you require additional space please append a separate page.

3. If you agree with ***OPTION 1.*** what percentage of units should comply?

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4. If you agree with ***OPTION 2.*** what percentage of units should comply?

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8. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

2. *Exempt small existing premises from having to meet Barrier-free requirements*

YES ○ NO ○

Should the code requirement be changed to allow existing small premises, [assembly, business and personal and mercantile occupancies] or designated heritage or historic premises be exempt from the barrier-free requirements?

If Yes, go to question 2.
If No, go to next section, (*page 4*).

Circle one option

2. If you agree there should be a change to the current requirement of the code which option most closely satisfies your concern?

OPTION 1 — ***OPTION 1.*** Amend the scope to exempt existing premises less than a certain size.

OPTION 2 — ***OPTION 2.*** Allow a variance where there is shown to be undue financial hardship.

OPTION 3 — ***OPTION 3.*** Allow a variance where barrier-free access may not be fully met but the facility is improved from its former state.

OPTION 4 — ***OPTION 4.*** Exempt designated "Heritage Building" or buildings within a designated "Heritage Conservation District".

3. If none of the options satisfy your concerns please explain what you would like to see in the code.

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if you require additional space please append a separate page.

4. If you agree with OPTION 1 what should be the maximum building area that should be exempt?

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if you require additional space please append a separate page.

5. If you agree with OPTION 2 what financial impacts ought to be considered?

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if you require additional space please append a separate page.

6. If you agree with OPTION 3 explain what types of variances ought to be considered acceptable. Keep in mind that the first and foremost variances must meet minimum health fire and life safety criteria.

if you require additional space please append a separate page.

7. If you agree with OPTION 4 should buildings designated as Heritage Buildings or which are in Heritage Conservation Districts be completely exempt from all barrier-free requirements?

if you require additional space please append a separate page.

8. If you have an additional suggestion please explain it.

if you require additional space please append a separate page.

Check one option

3. Tourist facilities

YES ○ **NO** ○ 1. Should the code requirement be changed to exempt single dwelling units on one lot, such as bed and breakfasts, country homes, cottages, and cabins used as tourist facilities?

YES ○ **NO** ○ 2. If you agree there should be a change to the current requirement of the code does the option satisfy your concerns?

YES ○ **NO** ○ 3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

4. Building security for hearing impaired occupants

YES ○ **NO** ○ 1. Should the code requirement be changed to require, where a building entrance security system is installed, a closed circuit monitoring system be available to assist occupants with hearing impairment to identify visitors?

YES ○ **NO** ○ 2. If you agree there should be a change to the current requirement of the code does the option satisfy your concerns?

3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

5. *Clarification of the Intent of the Occupancy Requirements*

YES ○ NO ○ 1. Should the code requirement be changed to require an elevator or lift where a building exceeds 600m² in building area?

YES ○ NO ○ 2. Should the code requirement be changed to require an elevator or lift where an existing building, under going a change of occupancy classification, exceeds 600m² in building area?

YES ○ NO ○ 3. If you agree there should be a change to the current requirement of the code does the option satisfy your concerns?

4. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

6. *Barrier-free access within floor areas with fixed seating*

YES ○ NO ○ 1. Should the code requirement be changed to require barrier-free access to all areas of amenities?

YES ○ NO ○ 2. Should the code requirement be amended to require that 50% of the areas with amenities have barrier-free access to them whether these areas contain fixed seating or not?

YES ○ NO ○ 3. If you agree there should be a change to the current requirement of the code does the language of the National Building Code satisfy your concerns?

4. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

7. Signage for vehicle parking on private property

YES ○ **NO** ○ 1. Should the code requirement be changed to adopt the National Building Code requirement for signs posted at least 1500 mm [5 feet] above the ground?

YES ○ **NO** ○ 2. Do you agree that the Regulations should adopt the provincial Motor Vehicle Act standard for accessible parking signage.

YES ○ **NO** ○ 3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

8. Improved language

YES ○ **NO** ○ 1. Do you agree with the intention to make the language more universal where ever possible?

2. Do you have specific suggestions for changes?
If so please list by article or sentence number

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if you require additional space please append a separate page.

Check one option

YES ○ ***NO*** ○

9. Multiple suites, doors and access to bathrooms

1. Should the code requirement be changed to make more explicit that a barrier-free path of travel is required from the entrance of a suite of residential occupancy in multiple unit buildings to enable access to a toilet?

2. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

YES ○ ***NO*** ○

10. Assistive Listening Devices

1. Should the code requirement be changed to require churches and places of worship exceeding 100m² and all court rooms comply?

YES ○ ***NO*** ○

2. If you agree there should be a change to the current requirement of the code does the draft amendment satisfy your concerns?

3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

11. Showers in Group B Division 2 Occupancies such as hospitals

YES ○ NO ○ 1. Should the code requirement be changed to allow some flexibility in meeting requirements for barrier-free showers in such places as hospitals?

YES ○ NO ○ 2. If you agree there should be a change to the current requirement of the code does the proposed amendment to provide common showers or common bath tubs equipped with hoist mechanisms to accommodate residents and patients are available satisfy your concerns?

3. If you have an additional suggestion please explain it.

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If you require additional space please append a separate page.

Check one option

12. TTY phones

YES ○ NO ○ 1. Should the code requirement be changed to be more explicit where TTY phone service is required?

YES ○ NO ○ 2. If you agree there should be a change to the current requirement of the code does the option that at least one built-in teletype-writer telephone [TTY] shall be provided and located in a publicly accessible location where

YES ○ NO ○ [a] four or more public access telephones are provided,

YES ○ NO ○ [b] the building area exceeds 600m² in a Group A, Group B, Group D, Group E occupancy, or in a hotel or motel,

YES ○ NO ○ [c] where a hotel or motel, is required by sentence 3.8.1.2.(2) to provide a barrier-free suite,

YES ○ NO ○ [d] where a Tourist Cabin is required by sentence 3.8.1.2.(2) to provide barrier-free suites, at least one built-in teletypewriter telephone [TTY] must be located in public location, or a portable unit available for use satisfy your concerns?

3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

13. Broaden the requirements for Visual Warning Signs in multiple unit residential occupancies.

YES ○ **NO** ○ 1. Should the code requirement be changed to require visual warning signs for the hearing impaired in multiple unit residential buildings?

YES ○ **NO** ○ 2. If you agree there should be a change to the current requirement of the code does the option of requiring a percentage of units adequately satisfy your concerns?

YES ○ **NO** ○ 3. As an alternative would this matter be better addressed in the Fire code?

4. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

Check one option

14. Areas of Refuge

YES ○ ***NO*** ○

1. Should the code requirement be deleted or modified?

Circle one option

2. If you agree there should be a change to the current requirement of the code which of the options most satisfies your concerns?

OPTION ❶ ***OPTION 1.*** Delete the Nova Scotia Building Code Regulation reference to Areas of Refuge and solely rely on the requirements of the National Building Code of Canada.

OPTION ❷ ***OPTION 2.*** Delete the current Area of Refuge requirements in the Nova Scotia Building Code Regulations, and rely on the National Building Code requirements with amendments to require a sufficient numbers of barrier-free exits or areas of refuge to allow safe exiting of the premises.

OPTION ❸ ***OPTION 3.*** Retain the Nova Scotia Building Code requirements for Areas of Refuge with amendments to delete their requirement in sprinklered buildings.

OPTION ❹ ***OPTION 4.*** Retain the current Area of Refuge requirements in the Nova Scotia Building Code Regulations with corrected references.

3. If none of the options satisfy your concerns please explain what you would like to see in the code.

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If you require additional space please append a separate page.

4. If you have an additional suggestion please explain it.

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If you require additional space please append a separate page.

Check one option

15. Adoption by reference the CSA technical standard or retain the National Building Code Technical Requirements.

YES ○ ***NO*** ○ 1. Should the current technical standards of the Nova Scotia Building Code be deleted and the Canadian Standards Association CAN/CSA-B651-95 technical standards be adopted?

YES ○ ***NO*** ○ 2. Should the current technical standards of the Nova Scotia Building Code be deleted and revert to the National Building Code technical standards?

3. If you have an additional suggestion please explain it.

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if you require additional space please append a separate page.

16. Additional Suggestions

Do you have any other suggestions that the Nova Scotia Building Advisory Committee should take into consideration respecting the barrier-free design requirements of the Nova Scotia Building Code Regulations? Please indicate what they may be in the space below or in a separate attached letter. It would be useful to include the number and title for reference of any existing requirements you feel should be considered for a change.

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if you require additional space please append a separate page.